

Remarks

The rejections of claims 1-14 cannot be maintained due to the lack of correspondence between the cited portions of the '634 reference and numerous aspects of the claimed invention, as discussed in detail in the Response filed on January 19, 2008. In anticipation of the withdrawal of the instant Office Action, Applicant has added new claims 15-19 listed above. Applicant submits that claims 15-19 are allowable over the '634 reference for at least the reasons presented in the Response filed on January 19, 2008. In addition, Applicant submits that the '634 reference does not teach keeping any electric signal constant generated by optical pyrometer 534 constant during a deposition cycle without determining the temperature of wafer 502. *See, e.g.*, Figure 5 and Col. 9:20-35-50, which discusses that the optical pyrometer 534 and computer system 536 determine the temperature of the wafer to control the process. Applicant notes that support for claims 15-19 can be found throughout Applicant's disclosure including, for example, in paragraphs 0031-0034 of Applicant's specification.

The instant Office Action dated November 19, 2008 notes the following rejections: claims 1-5 and 7-14 stand rejected under 35 U.S.C. § 102(b) over Johnsgard *et al.* (US Patent No. 6,200,634); and claim 6 stands rejected under 35 U.S.C. § 103(a) over Johnsgard.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

By: 

Name: Robert J. Crawford

Reg. No.: 32,122

(NXPS.441PA)

CUSTOMER NO. 65913